



MEMO ENDORSED

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December 20, 2018

By Hand and ECF

Hon. William H. Pauley, III
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Filed electronically in Action No. 3

Re: **MLB Associates, Inc., etc. v. City of New York, et al.,**
Case No. 02 CV 4431 (WHP) ("Action No. 1")

59 Murray Corp., etc., et ano. V. City of New York, et al.,
Case No. 02 CV 4432 (WHP) ("Action No. 2")

Club at 60th Street, et al. v. City of New York
Case No. 02 CV 8333 (WHP) ("Action No. 3")

336 LLC v. City of New York
Case No. 18 CV 3732 (WHP) ("Action No. 4")

Dear Judge Pauley:

This office represents the defendants in the four above-referenced related actions. I write on behalf of *all* counsel in these actions who have agreed upon a proposed revised schedule for the dates for briefing and hearing of Plaintiffs' Preliminary Injunction Motions, and *jointly*

respectfully request the Court for an Order adopting this proposed revised schedule. All counsel recognize that prior to Plaintiffs having filed their Preliminary Injunction Motions on November 21, 2018, the Court, in granting Plaintiffs' request to revise the then existing scheduling, declined to extend the dates as far as were then requested. Now that Plaintiffs' moving papers have been filed and evaluated, the Parties respectfully request that the Court extend the existing dates as requested herein. The Parties make this request based on their considered opinions that the proposed revised schedule will allow for and facilitate efficient preparation and briefing for all imminent filings; moreover, the Defendants are evaluating the Plaintiffs' factual assertions with an eye to not duplicating any filings from the Plaintiffs' seventeen volume joint appendix and eliminating the need for an evidentiary hearing on these motions—a proposition regarding which Plaintiffs, while skeptical, assert no present position other than to expressly reserve all of their rights and remedies, both substantive and procedural, regarding an evidentiary hearing and/or otherwise.

Per this Court's Scheduling Order of November 7, 2018, the current schedule is as follows:

Briefing Schedule

- (1) All Plaintiffs shall file motions for preliminary injunctions by November 21, 2018
[ALL MOTIONS TIMELY FILED ON NOVEMBER 21, 2018];
- (2) Defendants shall file both their opposition briefs and their response to Plaintiffs' complaints by January 14, 2019;
- (3) All Plaintiffs shall file reply briefs by February 8, 2019;
- (4) The parties shall advise this Court whether they believe an evidentiary hearing is necessary by February 14, 2019; and
- (5) The parties shall appear for oral argument on February 28, 2019 at 10:00 a.m.

The jointly *proposed* revised schedule is as follows:

Briefing Schedule

- (1) Defendants shall file both their opposition briefs and their responses to Plaintiffs' complaints by January 31, 2019;
- (2) All Plaintiffs shall file reply briefs by March 1, 2019;
- (3) The parties shall advise this Court whether they believe an evidentiary hearing is necessary by March 1, 2019; and

Hearing Date:

Subject to the Court's availability, the parties respectfully request that oral argument be set on either March 26, 27, 28 or April 2, 3, or 4, 2019 (or such other time thereafter as may be convenient for the Court).

We thank the Court for its consideration.

Respectfully submitted,

/s/ Kerri A. Devine

Kerri A. Devine
Assistant Corporation Counsel

cc: All Plaintiffs' Counsel (via ECF)

This Court adopts the jointly proposed revised briefing schedule set forth herein. The oral argument scheduled for February 28, 2019 is adjourned pending further order of this Court.

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

12/26/18